

1 **ORD**
2 **GABRIEL L. GRASSO, ESQ.**
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6 **(702) 868-8866**
7 **Attorney for MACIAS-CHAVEZ**

8 **UNITED STATES DISTRICT COURT**

9 **IN AND FOR THE DISTRICT OF NEVADA**

10 **UNITED STATES OF AMERICA,**)

11 **Plaintiff,**)

12 **vs.**)

13 **JUAN CARLOS MACIAS-CHAVEZ,**)

14 **Defendant.**)
15 _____)

Case No.: 2:09-CR-00302-GMN-PAL

SECOND AMENDED ORDER
(ECF NO. 172)

16 This is a second amended order meant to comply with DEA lab requirements for
17 retesting in DEA Case number **(R5-08-0069)** by a defense expert. The Court hereby
18 amends its Order filed on October 13, 2011 (ECF No. 172), as follows:

19 IT IS HEREBY ORDERED that in accordance with specified DEA Lab policies and
20 procedures, the following requirements will be followed:

21 1. That the defense expert who will be conducting the retest for purity and
22 reweigh of the methamphetamine exhibits only is Gregory Zavatsky, Forensic and Clinical
23 Toxicologist, of Forensic Toxicology Associates, 9348 DeSoto Ave, Chatsworth,
California, 91326. DEA registration number is RF0301553.

24 2. The following exhibits will be reweighed at the DEA Southwest Laboratory,
25 2815 Scott Street, Vista, CA 92081: Exhibit numbers 1 (one), 4 (four), and 6 (six) (the
26 methamphetamine samples).

27 3. The same Exhibit numbers 1 (one), 4 (four), and 6 (six) will be retested for
28 purity at Forensic Toxicology Associates, 9348 DeSoto Ave, Chatsworth, California,
91326. Gregory Zavatsky will be allowed to take the DEA prescribed sample amount of

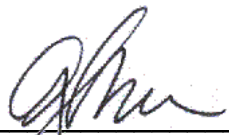
no more than one gram from each of the three methamphetamine exhibits and carry said amounts with him to the above named private laboratory for purity testing.

4. That the defense expert Gregory Zavatsky will personally appear at the DEA Southwest Laboratory to complete this reanalysis and agrees that the use of DEA Laboratory facilities or equipment for any testing or analysis of the drug sample(s) will not be allowed.

5. That defense expert Gregory Zavatsky will bring and utilize his own equipment such as, but not limited to, gloves, safety glasses, laboratory jacket, testing materials, and weighing device.

6. Any samples remaining after defense re-analysis shall be returned to the originating DEA laboratory within 5-days of the completion of the testing. If the samples are completely consumed during the rep-analysis, a letter documenting that fact shall be sent by the defense expert to the originating DEA laboratory.

IT IS SO ORDERED this 2nd day of March, 2012.



Gloria M. Navarro
United States District Judge